

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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THE CADLE COMPANY :
 : 3: 04 CV 1225 (JBA)
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 V. :
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 CHRISTINA OGALIN, INDIVIDUALLY AND :
 AS TRUSTEE (FOR AMY OGALIN, ERICA :
 OGALIN AND FRANK OGALIN), VERNA :
 OGALIN, AND DRYWALL : DATE: MARCH 6, 2006
 CONSTRUCTION CORP. :
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RULING ON PLAINTIFF'S SECOND MOTION TO COMPEL DISCOVERY

_____The factual and procedural history behind this litigation is set forth in this Magistrate Judge's Ruling on Plaintiff's Motion to Compel and Defendant's Motion for Protective Order, filed June 29, 2005 (Dkt. #44)[*"June 2005 Ruling"*], Ruling on Plaintiff's Motion for Reconsideration, filed August 9, 2005 (Dkt. #52), and Ruling on Plaintiff's Motion for Leave to Conduct Additional Depositions, filed February 10, 2006 (Dkt. #75).

On December 30, 2005, plaintiff filed the pending Second Motion to Compel Discovery (Dkt. #72),¹ as to which defendants filed their brief in opposition on February 17, 2006 (Dkt. #80. See also Dkts. ##76-77). On March 2, 2006, plaintiff filed its reply brief. (Dkt. #81).

This motion concerns plaintiff's request for all documents not already produced relating to every purchase made by defendant Cristina Ogalin for goods and services of more than \$1,000, and all credit card statements of defendant Cristina Ogalin, from the time she became president of defendant Drywall Construction Corp. until the present. (Dkt. #72, Exh. A). Plaintiff argues that this production is consistent with other discovery requests found

¹Attached as Exh. A is a copy of plaintiff's Second Request for Production, dated November 15, 2004, and an affidavit from counsel, sworn to January 24, 2006.

appropriate in the June 2005 Ruling. (Dkt. #72, Brief, at 4-5. See also Dkt. #81, at 3). Plaintiff seeks attorneys' fees and costs. (Dkt. #72, at 5-6).

In their brief in opposition, defendants argue that plaintiff's counsel already has reviewed "extensive check and bank records" of the defendants, including Cristina Ogalin's American Express Card statements (Dkt #80, at 3) and that these requests constitute "oppressive, fishing expeditions." (Id. at 4). Plaintiff has replied that "[t]he financial documents discovered thus far show thousands upon thousands of dollars in irregular transfers from Drywall Construction Corp. to Cristina Ogalin, which have not ben deposited in her own bank accounts and which do not otherwise appear in the [d]efendants' financial records." (Dkt. #81, at 5).

Plaintiff's counsel is correct that for the same reasons as stated in the June 2005 Ruling, plaintiff's Second Motion to Compel (Dkt. #72) is granted, to the extent that such documents have not already been produced. Defendant Cristina Ogalin shall comply **on or before March 31, 2006**.

All discovery shall be completed **on or before April 14, 2006**, and all dispositive motions shall be filed **on or before May 12, 2006**.

_____ This is not a Recommended Ruling but a Ruling on discovery, the standard of review of which is specified in 28 U.S.C. § 636; FED. R. CIV. P. 6(a), 6(e) & 72; and Rule 2 of the Local Rules for United States Magistrate Judges. As such, it is an order of the Court unless reversed or modified by the District Judge upon timely made objection.

_____ See 28 U.S.C. § 636(b)(**written objections to ruling must be filed within ten days after service of same**); FED. R. CIV. P. 6(a), 6(e) & 72; Rule 2 of the Local Rules for United States Magistrate Judges, United States District Court for the District of Connecticut; Small v. Secretary, H&HS, 892 F.2d. 15, 16 (2d Cir. 1989)(**failure to file timely objection to**

Magistrate Judge's recommended ruling may preclude further appeal to Second Circuit).

Dated at New Haven, Connecticut, this 6th day of March, 2006.

_____/s/_____
Joan Glazer Margolis
United States Magistrate Judge